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Maintenance of international peace and security

Working paper by Ghana on strengthening the relationship and cooperation between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes

Introduction

1. Under Chapter VI, Article 33, of the Charter of the United Nations, Member States that are parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, are entreated to first seek a solution through one of the peaceful methods or means stipulated therein, one of which is the resort to regional arrangements or agencies.

2. The need for peaceful settlement of disputes, as envisaged under Article 33 of the Charter, was underscored in General Assembly resolution 37/10 of 15 November 1982, by which the Assembly approved the Manila Declaration on the Peaceful Settlement of International Disputes and acknowledged the role of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization in elaborating the text of that Declaration. In this regard, on 9 December 1994, the Special Committee adopted the Declaration on the Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security (hereinafter "the 1994 Declaration").[1]

3. The Charter of the United Nations established the Security Council as the organ charged with the primary responsibility for the maintenance of international peace and security, while foreseeing a role for regional arrangements or agencies, especially with regard to the peaceful settlement of disputes. Under Chapter VIII of the Charter, regional arrangements or agencies are encouraged to contribute towards the maintenance of international peace and security insofar as such efforts are in

[1] General Assembly resolution 49/57, annex. See also A/61/204-S/2006/590, A/67/280-S/2012/614, and Security Council resolution 2167 (2014).

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accordance with the Charter. The Security Council is encouraged to utilize regional arrangements or agencies, but regional arrangements or agencies may take enforcement action only with the authorization of the Security Council.

4. In addition, Article 54 provides that the Security Council should at all times be kept fully informed of the activities undertaken or contemplated by regional organizations for the maintenance of international peace and security.

Main elements of the working paper

5. The Special Committee has had occasions in the past decades to consider principles that should guide the relationship between the United Nations and regional arrangements or agencies, as Member States expected the United Nations to play a greater role in the maintenance of international peace and security and to more effectively respond to global threats and challenges.

6. Notwithstanding the previous efforts of the Special Committee in considering and even adopting such guiding principles, past and current experiences of the international community — including the United Nations and regional arrangements or agencies in various undertakings to address situations that threatened international peace and security — have underscored the imperative of promoting better coordination and cooperation between the United Nations and regional arrangements or agencies.

7. Given the important role regional arrangements or agencies play in promoting the rule of law, human rights and international humanitarian law in the maintenance of international peace and security, it is necessary for the United Nations, including both the General Assembly and the Security Council, to explore urgent measures to improve their working relationship with regional arrangements or agencies towards the peaceful settlement of disputes.

8. These measures would include exploring institutional mechanisms to enable more effective and timely interaction and strategic cooperation between the Organization and the regional arrangements or agencies. In so doing, the Special Committee could build not only on its past work on this topic, but also draw from various seminal reports of the Secretary-General, including "An Agenda for Peace" (1992) and "In larger freedom" (2005), which highlight ideas such as:

- regional security
- the role that regional arrangements or agencies could play in preventive diplomacy
- early warning systems
- peacekeeping and post-conflict peacebuilding and means by which the United Nations could work with regional arrangements or agencies in more predictable and reliable partnerships.

9. Other reports of the United Nations organs dealing with these subjects may also be found relevant.

10. Recent challenges have underlined the urgent necessity for the Special Committee to reactivate and revisit the topic of the need to strengthen the cooperation, coordination and relationship between the United Nations and regional arrangements or agencies in the peaceful settlement of disputes that threaten

international peace and security. These challenges include the perception that, in some cases, the United Nations has not succeeded in effectively cooperating with regional arrangements or agencies, and that, in other cases, there has been a lack of clarity as to how the United Nations might engage in situations concerning multiple regional arrangements or agencies at the same time.

11. In addition, revisiting this topic will offer Member States an opportunity to assess the degree of compliance with or implementation of the 1994 Declaration with a view to addressing any apparent gaps or shortcomings at the level of cooperation, coordination and working relationships between the United Nations and regional arrangements or agencies in the context of the peaceful settlement of disputes.